

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:06cv374**

**CORY V. GAINES, ADMINISTRATOR OF THE )  
ESTATE OF MILTON DOUGLAS GAINES, )**

**Plaintiff, )**

**Vs. )**

**ORDER**

**JOSEPH SEAN MOWERY, individually and in his )  
official capacity as a law enforcement officer for and )  
as an agent of Defendant the City of Shelby; )  
THE CITY OF SHELBY, a municipal corporation, )  
on its own behalf and by and through the )  
City of Shelby Police Department; JOHN AND )  
JANE DOES (1-10), individually, and in their official )  
capacity as officers and agents for Defendant the City )  
of Shelby, )**

**Defendants. )**

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**THIS MATTER** is before the court on a submission received via CyberClerk of a proposed Protective Order, which is unaccompanied by a motion Further, such document is broken up in parts and appears to a mix between a scan and a PDF document.

As provided in Rule 7(b)(1), Federal Rules of Civil Procedure, and reflected in Local Rule 7.2, an application to the court for an Order or other relief must be

made in the form of a written motion. The court adheres to these rules not simply because they are rules; instead, the requirement of filing a motion insures that the court reaches the issue, inasmuch as there is no provision for CM/ECF to track freestanding proposed Orders, especially those tendered through CyberClerk. The requirement of a motion further serves the public interest in assuring that Orders which limit public review are based on good and adequate cause.

With those concerns in mind, the court will strike the “Consent Protective Order” as improvidently submitted, and instruct the parties to file a joint or consent Motion for Protective Order, therein showing good and adequate cause for the relief sought. Counsel may attach the proposed Consent Protective Order as attachment to the motion or they may submit it to the court through CyberClerk, or both. Proposed Orders that are unaccompanied by motions filed through ECF are, however, improper and there is no guarantee that they will even be found.

## **ORDER**

**IT IS, THEREFORE, ORDERED** that the “Consent Protective Order” is **STRICKEN** as improvidently submitted.

Signed: May 30, 2007

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

